

### **REMARKS**

Applicant has carefully reviewed and considered the Office Action mailed on August 11, 2003, and the references cited therewith.

Claims 1-3, 5, 12, 19-21, 26-34, and 41 are amended; as a result, claims 1-42 remain pending in this application.

#### **§102 Rejection of the Claims**

**Claims 1-5, 7, 8, 10, 12, 14, 15, 17, 19-26, and 35-42 were rejected under 35 USC § 102(b) as being anticipated by Merritt (U.S. Patent No. 5,828,095).**

Claim 23 recites, among other elements, first and second main pump precharge capacitors. Merritt does not disclose first and second main pump precharge capacitors. Thus, claim 23 is not anticipated by Merritt. Accordingly, Applicant requests that the rejection of claim 23 be reconsidered and withdrawn and that claim 23 be allowed.

Claims 22, 24, 25, and 35-41 recite elements similar to the elements of claim 23. Therefore, claims 22, 24, 25, and 35-41 are also not anticipated by Merritt for reasons similar to the reasons presented above regarding claim 23. Accordingly, Applicant requests that the rejection of claims 22, 24, 25, and 35-41 be reconsidered and withdrawn and that claims 22, 24, 25, and 35-41 be allowed.

Claims 1, 2, 3, 5, and 19-21 are amended to include elements similar to the elements of claim 23 such as the elements "first and second main pump precharge capacitors". Hence, claims 1, 2, 3, 5, and 19-21, as amended, are also not anticipated by Merritt for reasons similar to the reasons presented above regarding claim 23. Accordingly, Applicant requests that the rejection of claims 1, 2, 3, 5, and 19-21 be reconsidered and withdrawn and that claims 1, 2, 3, 5, and 19-21 and their dependent claims be allowed.

**Claims 3, 5, 19, and 20 were rejected under 35 USC § 102(e) as being anticipated by Cha (U.S. Patent No. 6,225,854).**

Claims 3, 5, 19, and 20, as amended, recite first and second main pump precharge capacitors. Cha does not disclose first and second main pump precharge capacitors. Thus, claims 3, 5, 19, and 20 are not anticipated by Cha. Accordingly, Applicant requests that the

rejection of claims 3, 5, 19, and 20 be reconsidered and withdrawn and that claims 3, 5, 19, and 20 be allowed.

**§103 Rejection of the Claims**

Claims 6, 9, 11, 13, 16, 18, and 27-34 were rejected under 35 USC § 103(a) as being unpatentable over Merritt.

Dependent claims 6, 9, 11, 13, 16, and 18 incorporate elements recited in claim 5. As amended, claim 5 recites, among other elements, “first and second main pump precharge capacitors”. Merritt does not disclose “first and second main pump precharge capacitors”. Thus, claim 5 is patentable over Merritt. Accordingly, claims 6, 9, 11, 13, 16, and 18 are also patentable over Merritt because claims 6, 9, 11, 13, 16, and 18 incorporate the elements recited in claim 5. Applicant requests that the rejection of claims 6, 9, 11, 13, 16, and 18 be reconsidered and withdrawn and that claims 6, 9, 11, 13, 16, and 18 be allowed.

Claims 27-34 are amended to include elements similar to the elements of claim 23 such as the elements “first and second main pump precharge capacitors”. Hence, claims 27-34, as amended, are patentable over Merritt because Merritt does not disclose “first and second main pump precharge capacitors”. Accordingly, Applicant requests that the rejection of claims 27-34 be reconsidered and withdrawn and that claims 27-34 be allowed.

**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's representative at (612) 373-6969 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743

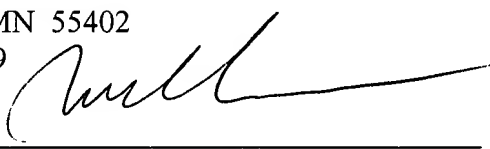
Respectfully submitted,

TODD A. MERRITT

By his Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6969

Date 12-11-03

By   
Viet V. Tong  
Reg. No. 45,416

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 11 day of December, 2003.

Tina Kohout  
Name

ZLU  
Signature